

MINUTES OF PLANNING & ZONING COMMISSION
JUNE 21, 2007
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:05 o'clock P.M. with a quorum present on June 21, 2007 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Marlin Heiden, Willie Keep, Rick Pope, Leonard Skov, Paul Steinbrink, Sr., Craig Wietjes and Loye Wolfe. Absent: Karin Covalt. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and 84 members of the public.

Hoffmeister told the Commission there was an error in the underlining of a phrase in the previous zoning regulations passed at the May 17 meeting which needed to be addressed later in the meeting.

Chairperson Pope announced there was a copy of the open meetings act posted on the bulletin board. The public forum was opened at 7:05 P.M. There was no one present to speak at this time. The public forum closed at 7:05 P.M.

Chairperson Pope opened the public hearing at 7:07 P.M for an amendment of a special use permit for Paul and Joyce Sears for an addition of a building for property being the Northwest Quarter of Section 6, Township 12 North, Range 13 West of the 6th p.m., Buffalo County Nebraska.

Paul and Joyce Sears were present and told the Commission of the amount of fruits they grow in addition to the grapes that are made into wine. They would like to put up a 40' x 70' building which would be leased to Last Chance Winery for wine making. They feel by relocating this business from Crawford to their site, it would be more convenient for other wineries in the State to haul their grapes. Michael Black would be the wine maker and would have all of his own equipment housed in the building. They also would have a small apartment for the wine maker in one end of the building.

Klein stated the original special use permit was approved by the County Board on 10/10/2006 and this would be an amendment to Resolution 2006-47.

Hoffmeister asked about the increase of traffic and the amount of the loads of grapes.

Joyce replied the increase in traffic would only increase about 1-2 months of the year. There would be no semi trucks but the grapes would be brought in 1000# containers by the grape grower.

Hoffmeister also asked if an ag student lives at the site. She replied they are the only residents on the property.

Joyce replied the wine maker would have his own liquor license. She had checked with the Liquor Commission of Nebraska and it was permissible to have two separate liquor licenses on one property.

Wolfe asked if they would be building the structure which Sears said they would own.

Heiden asked how many months wine would be made. Sears replied about 3-4 months at the end of August and September.

Biehl asked if equipment would be moved from Crawford, which Sears replied it would.

Keep questioned who is applying for the special use permit. Hoffmeister responded Paul and Joyce Sears are applying for the amendment since they own the land.

Pope asked the number of employees which Joyce said one person for the winemaking.

There was no one present in opposition.

Pope closed the public hearing at 7:20 P.M.

Hoffmeister explained the process of Section 6.2 that this is only a recommendation to the County Board and the County Board is free to do anything they please. He also explained the protest process as found in Section 6.2 of the zoning regulations.

Pope stated this is a viable business and would promote their wine business.

Moved by Skov, seconded by Wietjes to recommend forwarding the amendment of the original special use permit Resolution 2006-47 as previously allowed by the County Board filed by Paul and Joyce Sears with the recommendation of approval to the County Board on the following legal description: Northwest Quarter of Section 6, Township 12 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska. This amendment would allow the addition of a 40' x 70' building as shown on the submitted drawing and would also house an apartment for the use of the winemaker.

Voting yes were Skov, Wietjes, Biehl, Heiden, Keep, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Covalt. Motion passed.

Klein said this will be set for public hearing at the July 10, 2007 County Board meeting.

Chairperson Pope opened the public hearing at 7:24 P.M for a special use permit for a non profit treatment facility for "I Believe in Me Ranch" for property described as a tract of land being part of the South Half of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th p.m., Buffalo County Nebraska, containing 30.46 acres more or less.

Paul Brungardt, Jr. with Brungardt Engineering was present. He is also President of the Board for the facility. He told the Commission they would like to relocate the current facility on E 56th

St. to the proposed site east of Antelope Ave. and 92nd St. on approximately 31 acres. They have two basic facilities for children, one being a residential facility for boys between the ages of 6-18 with the average age being 10 years of age. The residential facility houses about 8-10 kids, year around, 24/7. The other treatment facility is a day program for 10-12 kids from surrounding areas for boys and girls between the ages of 6-18. This includes education and treatment. They also have therapeutic riding services available to both children and adults between the ages of 2 and 76 years of age. The future site would have the corporate office, a classroom building, a 10 bedroom residence hall and an indoor riding arena. The impact would be 1-2 cars per hour between the hours of 7:00 -7:30 A.M., 1-2 cars between the hours of 8:00 A.M.-3:00 P.M., 5-7 cars between 3:00 P.M.-3:30 P.M. and 1-2 cars between 4:00 P.M.-8:00 P.M. This is a ranch setting and would have a low impact on the traffic.

Suzan Wilson, CEO of the facility, was also present and told the Commission the history of the facility. In the 11 ½ years they have been at the present site, they have received no complaints. They have outgrown the area and need to re-locate to give them ample room. They are only one of three facilities in the State and they have a great success rate. Their treatment is for kids between the ages of six and eighteen. They are registered with the State of Nebraska through the Department of Health, AOA, Department of Social Services and Medicaid. They take kids from area schools when they are not able to keep these kids in a regular school. They have staff around the clock to oversee the children. They don't take high-risk kids. When kids do run away there is always a staff person with the kids. There is a need for additional space to house kids. By having an enclosed riding stable, they would be able to accommodate a riding stable year around. They have the same requirements as a child care center. They have 55 employees. They do not bring children who are in the sexual offender program onto the campus. They have a contract with Region III to handle these children. They are also registered with the State of Nebraska as a child care center. As far as the riding stables, this is an agricultural area. They also handle children who are disabled. The riding arena would also be available to 4-H kids to use. Property valuations would not be affected. Have homes around YRTC and Richard Young facilities been affected by these facilities as far as property valuations? She looks forward to having trails to be able to ride on. They look forward to being able to provide these needed services to the community.

Dr. Fritson was present and she has been associated with the Ranch for 8 ½ years. They never have had a major incident on the campus. The Staff are with the children at all times. Sexual offenders never come to the facility but go to Region III for treatment.

Jerry Foote who is a clinical programmer at the ranch and co-leader for the sexual offender program spoke to the Commission. He told them the kids go through a thorough screening process. If they have sexual offender or drug problems, they don't take them at the ranch. They only take the kids that fit their program.

Wilson said in the last 18 months, they only have had 4 times they had to call law enforcement. They have staff on call to deal with issues.

Hoffmeister asked the following questions:

1. What State agencies are they registered with?

2. How many employees do they have?
3. What type of lighting will be on buildings?
4. What type of building for the cover-all?
5. Who owns the property?
6. Are they proposing two 10 bedroom facilities?

Wilson responded as follows:

1. They are registered with the Nebraska Department of Health, Health & Human Services, Health Care Facility of America and Magellan.
2. They have between 50-55 employees who arrive at different times of the day. About 25 of these employees are part-time.
3. They would have lighting on the buildings which would be directed to the ground.
4. The cover-all building for the riding stables would be similar to the storage facility at Shelton that stores grain.
5. The property is in the name of Antelope Park LLC.
6. They are proposing two 10 bedroom facilities for expanded use.

Keep asked if they would be paying property taxes in the future. They currently have 23 acres where they are located and the proposed site is 30.46 acres. They would have better facilities at the new location. It's not a very conducive environment currently.

Biehl asked how this is funded. He questioned why they have 55 employees for 8 students? The State sets the rate for Medicaid. The day students that attend get funding from their area school.

Brungardt told the Commission they currently have a facility located north of Pole Line Road off Antelope Ave.

Skov questioned when all the buildings would be constructed? Would the program plan be compromised if all the buildings were not constructed at the same time?

Wietjes asked about the fencing of this facility. Wilson said the play area would be fenced. Wietjes is concerned on the amount of traffic.

Wolfe asked if the facility would be monitored and where the play area would be. Wilson told Wolfe the bedroom windows would not be able to be opened. New facilities would improve the conditions.

Pope also questioned if the north campus would be re-located. Wilson said that is their other residential campus. Pope also asked about medications being dispensed? They have nurses on call to deal with this issue. Pope questioned if this would be a medical treatment?

Heiden inquired if there were more than the eight residents at the center during school hours.

Deb Mowry, who lives to the southwest of the proposed site, read the following prepared statement as attached to these minutes.

Tom McNeil, who lives directly adjacent to the proposed site, questioned the guidelines as follows:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be detrimental to adjacent property, and
3. Not tend to depreciate the value of the surrounding structures or property, and
4. Be compatible with the stated intended use of the district, and
5. Not change the character of the district

He also has concerns of the negativity of how it will affect their property, health concerns of animal waste, how it will affect the complexion and has concerns of the safety of the residents.

Gail Lowenberg lives across the road from this property and she also disapproves of this coming to the neighborhood.

Steve Junge questioned 4-H involvement and type of building of the riding stables. Will there be exhibitions? He also asked Wilson if sexual offenders would ever live at the campus. He also asked the duration of a special use permit.

Wilson said they don't intend to house sexual offenders. They have been approached by 4-H.

Sheila Brady lives one mile east of this site and is concerned of traffic and the number of horses. There is also no access to police and would result in longer wait times from the Sheriff's office and fire protection. If they have escapes, will the neighbors be notified?

Wilson responded if the lots aren't used for this facility, it would turn into 30 additional homes which would result in additional traffic. They would have up to 15 horses, currently they have 10 horses.

Cindy McNeil questioned the vagueness of the application and how can we control this. She questioned how we can control a special use permit once it is granted.

Steve Heun asked what the size of this facility will be in 20 years.

Rick Masters questioned the potential of the number of children. Do they have the potential to go from 10 to 20 bedrooms in the future? Wilson responded they currently have 8 children and would like to increase by 2. It would resemble a house and would have 10 individual bedrooms and possibly could expand to 20 bedrooms.

Brent Henderson farms directly adjacent to the current location and has heard the screaming and yelling. Why isn't the facility moved farther north? This is a residential area. Wilson said there is more of a hardship for the parents dropping off the kids if it is moved farther north.

Gary Henderson asked will there be sex offenders on the property since they are licensed for sex offenders. Wilson again said no.

Susan King lives directly across the road. She is concerned of the traffic issue. She doesn't want sexual offenders housed at this facility because of her own child. Wilson said it is their policy

not to take sexual offenders. King also questioned who will make up the taxes if they become a non-profit facility and won't have to pay for real estate taxes.

Melodie Bellamy expressed concerns this is a mental health facility, not a child care facility. This is a 503.C charitable organization similar to Good Samaritan Hospital and don't think these type of institutions belong in an AGR area. It's hard to enforce the violations of special use permits once the permit is issued. The number of calls in 2004/05 was 14 runaways. Prior to that time the runaway numbers were higher. KPD currently responds to the existing location but the sheriff's office might have a longer response time. There also have been residents that later are housed at YRTC. These kids have anti-social behaviors. It only takes one mistake and we don't want that possibly in this area. The current CEO might change and policies could change in the future.

Matt Manary has purchased a lot in Antelope Acres and is also employed with KPD. The information he had received was there were 88 calls since 2000, 33 were runaway call, 2 sex offense calls, 22 assaults, and 14 disturbances. He asked if they had applied for a sexual offense program. Wilson said they did look into it but they decided to not consider it.

Matt Stoltenberg, lives west of proposed site, and said there were 240 trips in 1997 from existing facility.

Cindy McNeill stated the amount of trips in 1997 was obtained from the application that was presented to the City of Kearney for the current facility.

Ray Ward, who lives ½ mile west of proposed site, questioned if other commercial sites would be allowed and also asked if there was a floodplain in this area.

Vivian Van Amburg asked if there was a waiting list at this facility which Wilson responded no. If they can't handle the child within five days, they are sent to another facility.

Cary Stein asked the staff ratio to residents. Wilson said they have an 8/2 ratio.

Randy King questioned why he should have to change his lifestyle?

Jean Simiac asked why they should have to worry about these kids.

Diane Snider said there is already a lot of traffic at this location and what about the farm machinery in this area.

John Haeberle reiterated this is a mental health facility, not a child care center. What can the Commission do to limit the size and scope of their practice? Once the special use is granted, what can be done to control this? There is some mistrust of the management. Pope told him there are conditions that can be put on the special use permit. Haeberle said the make-up of boards can change in the future.

Dorothy Farnham asked if Wilson would live in the backyard of this facility.

Eric Allan questioned building sizes, lighting and what type of roads would be located at this site. He asked Wilson if they take their shoes away to prevent the kids from running away.

Scott Javins asked if they do want to expand, do they come back before the Planning & Zoning Commission.

Rodney Snider asked what happens if they lose their license? Can they guarantee what their predecessor will do?

Lee Baumert asked about the 2-year completion time.

Brenda Yocum questioned the make up of the Commission and also their governing board for the facility. Leadership does change on boards.

There were 63 people that went on the record to oppose this facility.

Cindy McNeil presented a petition with 91 signatures in opposition of this application, a copy of which is attached.

Pope closed the public hearing at 9:39 P.M.

Deputy County Attorney Hoffmeister told the Commission that Melodie Bellamy was present in the capacity of a private citizen and not as a member of the County Attorney's office.

Biehl asked if anyone had a positive comment for this permit.

Dr. Fritson said there is no identifiable danger. They would only have 10 single bedrooms.

Biehl said the Commission's job is to see if this business would fit in this area.

Pope does have concerns. He feels this goes beyond a child care facility. It leans more towards a medical facility and has problems if a medical facility fits in an AGR area.

Skov said we need to look at both sides of the issue. We can't control our neighbors but we can control the zoning. We can't guarantee the future. Skov feels this item needs to be continued until the next meeting.

Wolfe told the audience there are an immense number of children who need these facilities. Facilities need to be close to the population. Newer facilities with added security would be helpful. She is concerned about the absence of fencing around the facility and the wide open spaces.

Keep said this is only ½ mile off a concrete road. He agrees there is a need in the area for this type of facility.

Heiden and Wietjes agreed there is a lot of gray area and thought it should be continued until the July meeting.

Moved by Wietjes, seconded by Heiden to recess this hearing until July 19, 2007 until additional information can be presented to the Commission such as:

1. Phasing issues
2. Barriers
3. Use of arena limitations
4. Building size and spacing
5. Make up of roads
6. Lighting
7. Type of roads
8. Annual report of clients
9. What type of clients will be housed at facility
10. Number of horses on premises
11. Ground limitations

Voting yes were Wietjes, Heiden, Biehl, Keep, Pope, Skov and Steinbrink. Voting no: Wolfe. Absent: Covalt. Motion passed.

Old Business: Moved by Steinbrink, seconded by Wolfe to approve the minutes of the May 17, 2007 with the following corrections:

- I. A description of the method of spreading of material and incorporation into the soil. This description must include a discussion of methods to be used during winter months and periods of unfavorable weather and soil conditions as well as normal favorable conditions.
17. The transport of paunch is only approved between one hour before sunrise and one hour after sunset.

Voting yes were Steinbrink, Wolfe, Biehl, Heiden, Keep, Pope, Skov and Wietjes. Voting no: none. Absent: Covalt. Motion passed.

Moved by Heiden, seconded by Wietjes to set date for a public hearing on July 19, 2007 to add the following language to the Zoning Regulations to Section 6.4 #7E as follows:

- E. Livestock processing waste shall not be allowed upon the land of Buffalo County.

Re-number 13.2 to 13.3 Purpose of Legal Authority Cited

Voting yes were Heiden, Wietjes, Biehl, Keep, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Covalt. Motion passed.

The next regular meeting of the Planning & Zoning Commission will be July 19, 2007 at 7:00 P.M.

Motion was made by Biehl to adjourn at 10:25 P.M.

We are a group of concerned residents living in the area of the proposed treatment facility. When we received the hearing notice we were surprised to learn about the treatment center coming to our area. Usually with businesses residents in proximity are informed ahead of time. But we had no forewarning, and only 9 business days since learning of this to become informed about the treatment facility and limited time seeking legal advice. However, even though we are not experienced presenters, we want to make our concerns known.

We understand the unfortunate need for the proposed facility. Caring for children with severe behavioral problems, those who were abused, those who are violent, abusive themselves and sex offenders, need treatment. We do not disagree with their mission. Many in the area have donated to the cause, and there are some of us who have worked with children and adults with mental and psychological disorders.

We, as a community, are opposed to having this treatment facility in such close proximity to our homes. Our sanctuary, which according to regulation **8.2** gives us the right to enjoy a peaceful occupancy in our homes, is being threatened by this proposed facility.

We understand that a special use permit is not always approved in this setting if there are good indications as to why to deny it. We have several areas that we would like to focus on tonight that should give reasons to deny this permit. We all feel we are fighting for our way of life, our safety and peace.

Therefore, we will present the following concerns:

1. The facility does not meet the requirement for a special use permit
2. The quality of the buildings and the covenants that must be followed have not been stated.
3. The impact on our life, in terms of peace, beauty, the aesthetics of our neighborhood, our health, safety, noise level, and traffic at all hours.
4. Environmental issues, including the size and structure of buildings of the facility, number of animals, and the impact on the land and water
5. The valuation of our homes, and resale value.

We will first focus on the *I Believe in Me Ranch's* application, and the regulations for a special use permit as we interpret them. The application that we were given to review is three pages. The first page has blanks filled in, the second page has a brief description, and the third is a small drawing of many black boxes ,that we assume are buildings, are not labeled.

Number 8 on the application: indicates that the proposed facility is a private charitable organization and child care center. The owners of the land are Antelope Park LLC. According to the IRS, this is not a charitable organization. We are questioning whether a for-profit entity owning the land can allow another nonprofit organization to build

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structures and operate a business. We are also wondering who should be applying for the permit and if this has been accepted as a standard practice in the district?

The *I believe in Me Ranch* is a charitable organization and according to 5.34, they can use this status to apply for a Special Use Permit. However, we understand that by using the charitable provision we may be misled as to what they will really be focusing on in their business and we understand this business does not meet the regulations. When we think of charitable, we typically think of a small Red Cross office, something of that nature, not a mental treatment facility or group home for patients ages 6 to 76 years with severe behavioral disorders.

Under number 8, they indicate that they are a Child Care Center. This seems inaccurate. According to two different departments in the Human and Health Services Licensing Office in Lincoln, as well as the office in Kearney the *I Believe in me ranch* is not licensed as a child care center, but as a Child Caring Agency. **This is vastly different.** A child care center is essentially a large daycare center for 12 or more children. According to Human and Health services children are dropped off and picked up later that day. Therapy services, psychological services are not provided. A Child Caring Agency is for those under 19 in residential care. This would include foster children, children abused, neglected, very violent children that cannot be with their families, and conduct disorders, and children involved in crimes. Some of these children require 24 hours attention.

Some of the crimes which would fit under the licensing of a child caring agency would be status offenses. Other crimes, according to the State Department, could include minor theft or breaking into a home. In addition they are also licensed as a Residential Treatment Facility. And according to the Nebraska Mental Health, Substance Abuse and Gambling Services Directory, January 2007, the services listed that the residential treatment facility provide are: mental health services, day treatment for boys and girls age 8-18, residential treatment center for boys age 6-14, treatment group home for boys 8-12, outpatient, psychological testing, and sexual offender group therapy for boys ages 12-16.

The *I Believe in me Ranch* also states they are a Mental Health Center and in their mission statement they say they provide medical services. They also pass out meds and accept Medicaid. These are the same services that a medical clinic provides. A Medical Clinic is allowed under 5.5 the commercial district, **but a Medical Center, Child Caring Agency and treatment center, a group home for transient troubled youths is not on the list of possible permitted special uses in our district according to 5.34**

There is a lot of emotion, worry and even fear in the community about the our health, safety, and the impact on our lifestyles.

What other applications could they make for a special permit, even though they don't own the land.? Number one of 5.34 lists agricultural service establishments primarily engaged in performing agriculture, animal husbandry or horticultural services. Their primary establishment is treatment of children and adults. We know they are going to have horses and provide therapeutic riding services. So the primary use of the animals is not husbandry, which is raising, breeding, selling, marketing animals, making a profit on the animals, but rather therapy. A riding stable is not allowed as a special use permit according to 5.34 or the regulations.

Any increase in the amount of animals that is atypical for our community here needs to be considered. We have now idea how many animals will be involved. Their materials does not state specifically although some materials indicate up to 140 animals.

According to 6.4, number 3, there are regulations about management of waste, and dead animals in a manner not to contaminate the ground water, any stream, creek or river and minimizes odor. Moving the facilities from the city limits with town water to a flood plane certainly has a very good chance to contaminate ground water and the Wood River, sources of our well water used for drinking and other personal and animal use. We have had the opportunity to talk with the Nebraska Department of Environmental Quality, Nebraska Department of Health, Farm Service Agency, Livestock Waste management, the U. S. Department of Agriculture, Game and Parks Commission, Environmental Quality Air/Waste Management Division, Natural Resources, well drillers and a few other departments. Some of these departments have given us insight into what rules must be followed to protect our drinking water, and the environment .

The requirement also requires minimizing odors, how will they do that. Where will the manure piles go? The material from cleaning stables? Therefore, regulation Number 7 B needs to be considered which talks about not allowing livestock waste disposal by spraying or spreading on cultivated land no closer than thirteen hundred and twenty feet to a neighbors residence without permission. They do not state in their materials anything about management. Horse flies will be a problem. We were told by one of persons living about a quarter of a mile away from their current site, that horse flies are a problem, even with the small barn and limited number of animals. The facility is planning a larger barn and horse operation, there will be a significant rise in flies. Other health concerns include the increase in number of mosquitoes that we are told come with a larger number of horses.

Manure, odor, and the large horse flies that are common are not something we want to or need to deal with. A horse riding stable is not permitted in our district even under the special use permit.

We have many concerns about the size of the buildings. In the I Believe in Me Ranch application materials, the site plan shows 7 buildings. Yet the materials do not show photos of the proposed buildings except for one building which they devote 7 pages to. This is the riding arena, a Quonset hut looking structure, made of steel and fabric, and is 120 feet wide, up to 120 to 200 feet long and 46 feet tall. It's hard to image, maybe about the size of the county building or one of the fairground buildings. Think of 2- two story

houses stacked on top of each other and make a square of 6 such structures and fill it in. In some of the regulations, there is a chance that this structure can be located 10, maybe at most 15 feet from a **primary neighboring residence**. It will impact views in the yard, views from a second story window, and air flow. This **will** change the aesthetics of the neighborhood, we can not longer look down the road, see the beauty of the river, see the beauty that a neighbor has created, or enjoy the scenery.

And what of the other structures? We don't know what these structures will look like. Do the buildings fit with the homes in the neighborhood. Are there covenants they will follow? Their plan shows, possibly two, 10 bedroom residence halls, they are licensed for a total of 8 persons according to the state. All the buildings will have lights on, many outside and all night long and this will impact the neighbors and the complexion of the neighborhood. **Will thee buildings be in keeping with the existing neighborhood? Will the I Believe in Me Ranch follow the same guidelines and covenants that the construction in the new neighboring subdivision must follow?**

There are also regulations for parking. According to 7.2, there is to be 1 per dwelling unit. Even if all 7 building are dwelling units , there should be 7 parking spaces, not the 30 some that seem to be present. Under 8.2 b, parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way. This business, if it needs that many parking spaces, will impede the flow of traffic on our road, create more dust and noise, and impact on the quality of our road. In addition with their proposed expansion, there will be more traffic even 80 to 100 vehicles per day. In the early years, about 1995, on some of the paperwork the ranch stated there would be about 240 visitors a week. That was 12 years ago. Not only will there be more visitors, some later in the evening and on weekends, but more workers, delivery persons; buses, vans, cars from all over the state and out of state as noted in their application, outpatient adults and children coming and going for medical treatment, nighttime workers changing shifts. The drawing shows a delivery lane with many vehicles in it. There will be delivery of horse supplies, food, medical supplies, garbage trucks, and whatever else is needed to run this large 7 building expanding business.

The recreational land for their clients with significant behavioral problems will be the whole area owned by antelope park LLC, up to antelope road and to the backyards of 101str. This will raise the noise level in the area. All of this will disrupt our lives, have a negative impact on our peace and the beauty of our neighborhood.

This project will disrupt our of peace and harmony. According to 8.2 the proposed project should not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

We understand that there will be behaviorally disturbed children, violent children, substance abusers, adults, and person who have broken the law living or seeking treatment there. We are not allowed to know the level of the sex offenders who will be treated. Who is liable if neighbors are harmed? The facility? Who is liable if there is theft?

There have been escapes from this facility. When we talked with the police we were told they know there have been escapes. We understand that the sheriffs department has been called, mostly when there has been a behaviorally issue. Do we need to have that worry here?

Many of us have lived out in the country almost all my life or also grew up in the country and moved here to maintain that lifestyle. We shouldn't have to feel unsafe in our own homes or fearful on our own property.

In conclusion, we have brought up many issues, the noise, traffic, pollution, environmental impact, proximity to a potentially dangerous population, not to mention possible loss of property value and resale value. The challenges of living in proximity to this expanding, large facility is overwhelming.

Many of us question why the ranch wants to relocate. They already have two present sites that are not in the middle of a large residential neighborhood..

The cover sheet on the I Believe in Me materials states "Future Site" , Not proposed. The special use permit has not yet been approved. Their application materials seem to be vague, not complete, and difficult to understand the full scope of their expanding business. We, as a community, feel confused, worried, fearful, and distraught.

The regulations, as we understand them, do not allow for a special use permit for this project. Granting a special use permit would be a substantial detriment to the public good of our area, the peace, harmony, in our neighborhood and homes.

In summary 6.2 indicates that a special use permit must

- 1.) Be compatible with, and similar to, the use permitted in the district
- 2.) Not be detrimental to adjacent property
- 3.) Not tend to depreciate the value of the surrounding structures or property.
- 4.) Be compatible with the stated intended use of the district
- 5.) Not change the characteristics of the district.

Based on these five conditions the I Believe in Me Ranch does not qualify for the permit they are requesting.

They are planning increase the size of the current business, which increase their finances. But this will impact negatively on our areas economics, our finances.

We also have health concerns brought about by animal waste, mosquitoes, flies, from the increased number of horses that will be at this facility.

The large structure, the possibly subpar structures, will affect the beauty, value, and complexion of our neighborhood.

Our concerns are foremost for the safety of all involved who will be touched by this project.

Thank you for listening to our concerns and please take them into consideration when making your recommendation.

91

Petition signed by concerned community residents against the proposed building of the I Believe in me Ranch at 92 nd and antelope.

By signing this petition, the adult persons listed below are voicing their disapproval of the proposed facility listed above.

Name	address	phone
Brent Henderson	3025 E 101 st	308 234-4376
Brenda Whitcomb Allan	2665 E 95 th St	308 234 3559
Ellen	2665 E 95 th St	308 234 3559
John Pelt	3135 E 101 st St	308 237-3558
Kelly Melson	3040 E. 101 st Street	308 236-6360
Kirk J. Melson	3040 E 101 st St	308-236-6360
Mr. J. [unclear]	2985 E 92 nd St.	308-237-2059
Jerome [unclear]	2520 E. 103 rd St.	308-237-4227
Stan Hunt	2320 E. 103 rd St	308-237-3365
Karen Heun	2320 E. 103 rd	308-237-3365
Wendy [unclear]	2320 E 103 rd	308-237-3365
Jeff Baller	2535 E 103 rd	708 233 1838
Jim [unclear]	10630 106 th St. Cir.	
Julia Miller	3040 E 102 nd	308 627-4648
Tim [unclear]	3125 E 102 nd St	308 237 5150
Kim [unclear]	3125 E 102 nd St	308 237 5150
Peggy Henderson	3025 E 101 St	308 234-4376
John Haebler	10245 Antelope Ave	308 234 6410

received
6/21/07
Pt Zoning Meeting

Petition signed by concerned community residents against the proposed building of the I Believe in me Ranch at 92 nd and antelope.

By signing this petition, the adult persons listed below are voicing their disapproval of the proposed facility listed above.

See 7/20/07

Name	address	phone
Eric Bedonkamp	2570 E 103rd St. Kearney	(308) 440-1540
Bridget Bedonkamp	2570 E 103rd St. Kearney	233-3580
Autumn Kowalski	2660 E. 103rd St. Ky	238-4083
Lanna Masters	2545 E. 103rd St. Ky	237-3257
Rick Masters	2545 E. 103rd St. Ky	237-3257
Dean Immich	2325 E 103rd St. Kearney	236-9084
Stephanie Paul	2450 E 100th St Kearney	402-450-3918
Eric Paul	10635 E 106 Kearney	308-236-5408
Crossy Paul	7345 E 106th St Kearney NE	308-238-0473
Julie Paul	2265 E 106th St. - Kearney	308-236-9310
Don Paul	2265 E 100th St Kearney	308-236-9310
Vernon Lantz	9120 Antelope Ave Kearney	308-237-3218
Connie Lantz	9120 Antelope Ave Kearney	Same
Donna & Ray	2590 E. 92nd St. Kearney	234-4449
Don & Ray	8580 Cherry Ave Kearney	234-3100
Amanda King	8580 Cherry Ave Kearney	234-3100
Carla Springer	2445 E 103rd Kearney	308-338-1215
Brian Johnson	2455 E 103rd St. Kearney NE	237-7176
Patrick Kavalich	2660 E 102RD K EARNY NE	233-7120

(19)

received
6/21/07

P+Zoning mtg

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Name	address	phone
B. Gail Louenberg	3385 E. 92nd	237-5667
Tony T. Trunberg	3385 E 92nd	237-5667
Sue C White	2670 East 92nd	238-3566
Mark C		234-9609
John King	3315 East 92nd	236-6467
John King	3315 E 92nd	236-6467
Derin King	3315 E 92 St	236-6467
Donald L. King	3315 E 92nd St	236-6467
Marlene Lucht	2620 E 103rd St	234-4005
William	2520 E. 103rd St.	237-4227
Theresa Stahl	2220 E 103rd St	234-3065
Kati Mendeney	2510 106th & Cir	293-2225
Phil King	2510 106th St Cir	293-1601
Steven King	2540 E 92nd St	234-4749
Dean McLaughlin	2585 E 92nd St	236-0758
Jim Fred	1411 15th Ave	308-750-3423
Carl Budnik	10730 Madison Pl.	308-237-2954
Kathleen A. Budnik	10730 Madison Pl	308-237-2954
Collette Budnik	10730 Madison Pl	308-237-2954
LYNN KING	3315 EAST 92nd	308-236-6467
Joshua Miller	3040 E 102nd St	308 627 2225

(21)

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Name	address	phone
Brad White	8110 6 th Ave (2670 E 92 nd St)	234-3521
Shelley White	8110 6 th Ave (2670 E 92 nd St)	234-3521
Naomi Compton	7840 Aven Kearney Nebr.	308-234-9857
Betty E. Compton	7840 Ave N Kearney	308-234-9857
Michael Y. Compton	7840 Ave N Kearney	308-234-9857
Robert Markes	1360 E 78 th Kearney	308-234-9081
Gary Z. Baumert Jr	3130 E 102 nd St. Kearney	308-234-3481
David R. Lundell	2260 E 103 rd St. Kearney	308-233-5782
Tom Lundell	2260 E 103 rd St. Kearney	"
Thomas Lundell	99 th Kearney NE	308-237-7132
Uinda R. Lundell	110 Kearney Pl	"
Ken Vytseka	2460 E 103 rd St Kearney	68847 233-9082
Beth Vytseka	"	"

(13)

received
6/21/07
P+Zoning mtg

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received
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P + Zong mtg

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Name	address	phone
Mary L Schaub	3225 E 92nd St. Kearney	234-4184
Dore Driml	6208 Avenue O Place Kearney	236-5846
GREG DRIML	6208 AVE O PL KEARNEY	236-5846
Beth Schaub	211 W Elm Pleasanton	440-9228
Mary Jo Hendler	9375 Cherry Ave.	234-2383
Judy Hendler	9375 Cherry Ave	234-2383
Bern Restine	1002 E 3rd Kearney, NE	(308) 529-3061

received
6/21/07

P+Zoning mtg